

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

SEP 06 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANTHONY E. MARTINEZ
and
MICHAEL D. RAHN

Application 09/981,877

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on August 11, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the Image File Wrapper (IFW) indicates that appellants filed an Appeal Brief on October 29, 2004 and requested that the Appeal Brief fee be charged to Deposit Account No. 09-0447. The Patent and Trademark Office records reflect that this fee has not been charged.

In addition, the Examiner's Answer mailed March 10, 2005 does not comply with the headings set forth in the new rules under 37 CFR § 41.37(c). Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to charge the \$340 Appeal Brief fee to appellants' Deposit Account No. 09-0447;
- 2) to vacate the Examiner's Answer mailed March 10, 2005 and issue a revised Examiner's Answer in compliance with the new rules which became effective on September 13, 2004;
- 3) to have a complete copy of any subsequent Examiner's Answer scanned into the record; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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By: 

CRAIG R. FEINBERG
Program and Resource Administrator
(571) 272-9797

CRF/psb

Frank C. Nicholas
Cardinal Law Group
Suite 2000
1603 Orrington Avenue
Evanston, IL 60201